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Tetsuyuki Nakayasu

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WENDEROTH, LIND & PONACK L.L.P.

1030 15th Street, N.W.

Suite 400 East

Washington, DC 20005-1503

EXAMINER

BENGZON, GREG C

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Response to Arguments

Applicant's arguments filed 11/12/2009 have been fully considered but they are not persuasive.

The Applicant presents the following argument(s) [*in italics*]:

... McLaren discloses user controlled playback speed of a video stream.

Therefore, the playback speed of the video stream is determined not by data type...

The Examiner respectfully disagrees with the Applicant.

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., *controlling reproduction based on data types while excluding user input*) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

The Applicant presents the following argument(s) [*in italics*]:

... McLaren fails to disclose or suggest the reproduction control section controls the reproduction method so that a reproduction method for the cited data is different from a reproduction method for data other than the cited data in the received mail data.

The Examiner respectfully disagrees with the Applicant.

In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

McLaren disclosed different reproduction methods for different portions of data.

McLaren is not relied upon to disclose wherein *a reproduction method for the cited data is different from a reproduction method for data other than the cited data in the received mail data.*

Gupta disclosed (re. Claim 1) detecting data that is cited from mail data (Gupta- Paragraph 63, 'multimedia presentations') created by a creator different from a creator of the received mail. (Gupta- Paragraph 7, 'another student can respond in a subsequent annotation')

The Examiner notes that the basis of the annotations are multimedia presentations which are created independently of the Gupta system. Thus where the claimed *cited data* is the original multimedia presentation disclosed by Gupta, then it would have been obvious that the multimedia presentation could be created by any user. Furthermore Gupta Figure 22, Paragraph 146 displays both the original multimedia presentation ('*cited data created by a different user*') along with the subsequently added annotations ('*by the creator of the received mail*')

Art Unit: 2444

Gupta thus disclose a method for identifying and differentiating between data that is cited from mail data (Gupta-Paragraph 63, 'multimedia presentations') created by a creator different from a creator of the received mail.

With McLaren disclosing different reproduction methods for different portions of data, the combination of McLaren -Gupta disclosed wherein *a reproduction method for the cited data is different from a reproduction method for data other than the cited data in the received mail data.*

Furthermore in order to expedite prosecution the Applicant is respectfully requested to review prior art by Ozkan (US Patent 6748421) regarding detecting data that is cited from mail data created by a creator different from a creator of the received mail.

/Yemane Mesfin/
Primary Examiner, Art Unit 2444